

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. Contracting Activity: Department of Veterans Affairs, Network Contracting Office 15, 4801 E. Linwood Blvd, Kansas City, MO. 64127.

The Kansas City VA Medical Center, surgical department has requested contracting to purchase Prosthetics Supplies. The 2237 Purchase request number is 589-12-4-1885-1900.

2. Nature and/or Description of the Action Being Processed:

The contract is for purchase of a Prosthetics Supplies for surgery on patient at the Veterans Administration Medical Center in Kansas City, MO VAMC. The POC for this requirement is Sandra Fortune at the Kansas City, MO VAMC. This procurement is for Prosthetics Supplies. The request is for a firm fixed price contract. The physician determined that the devices selected were best to serve specific needs of this patient during surgery and due to the complexity of the procedure and unique characteristics prior arrangements were not possible.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

This action is based on an emergency purchase of Prosthetics Supplies from Advanced Biologics for the Kansas City, MO VAMC (Prosthetics). This is a procurement conducted under FAR 6.302-5, Authorized or required by statute.

Total estimated cost for the items needed to fulfill the stations request is \$29,670.00.

4. Statutory Authority Permitting Other than Full and Open Competition:

- () (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- () (2) Unusual and Compelling Urgency per FAR 6.302-2;
- () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- () (4) International Agreement per FAR 6.302-4;
- (X) (5) Authorized or Required by Statute FAR 6.302-5;
- () (6) National Security per FAR 6.302-6;
- () (7) Public Interest per FAR 6.302-7;

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Advanced Biologics is the only uniquely qualified vendor that can provide the Prosthetics Supplies to the Kansas City VA Medical Center:

Surgically implanted products are specified by the clinical team to meet the unique and comprehensive needs of each Veteran with an identified medical indication. The specific product described above has been determined by the physician to be the best product to treat the Veteran patient's medical condition and functional limitations. Substituting an implant with other than that specifically prescribed is beyond the role, competency and professional functions of the Contract Specialist and would be detrimental to the treatment of the Veteran patient. Full and Open competition for the above described implant negates the clinician's subject matter expertise as related to the medical treatment for the individual Veteran. In this case the by name Prosthetics Supplies are the specific prescription and method of treatment for the Veteran-patients.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

The Prosthetics Supplies needed by the agency are available from only one responsible source, based on the physician's determination.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

The estimated amount of this acquisition is \$29,670.00. In accordance with FAR Subpart 15.404-1(b) the following price analysis techniques and procedures will be utilized to ensure a fair and reasonable price.

a. Comparison of previously proposed prices and previous Government and commercial contract prices for the same or similar items, therefore the price was considered to be fair and reasonable.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

Due to the nature of this procurement no other vendor can meet the requirements.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

VAAR 806.302-5(B)(1) allows an exception to full and open competition for the purchase of prosthetics appliances in accordance with 38 U.S.C. & 8123

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

No other sources in this situation.

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required.

Based on the physician determination, no action can be taken due to type of case; this procurement is not needed in all procedures.

12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

Name Deanna J. Hyde Date 8-22-12
Deanna J Hyde
Chief, Prosthetics
Kansas City VA Medical Center

13. Approvals in accordance with FAR 6.304

- a. Contracting Officer's Certification: (required) I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Name Donald Hannah Date 8/22/12
Donald Hannah
CONTRACTING OFFICER
NETWORK 15 CONTRACTING OFFICE

- b. NCM/PCM: I certify the justification meets requirements for other than full and open competition.

Name Bernadette Cothern Date 8-24-2012
BERNADETTE COTHERN
NETWORK CONTRACT MANAGER
NETWORK 15 CONTRACTING OFFICE